

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

THURSDAY, JULY 12, 2007

Present: Ald. Yates (Chairman), Ald. Baker, Lappin, Burg, Sangiolo, Danberg, and Johnson;
absent: Ald. Weisbuch; also present: Ald. Merrill, Hess-Mahan, and Parker
City staff: Michael Kruse (Director of Planning & Development) and Linda Finucane (Chief
Committee Clerk)

All of these individuals re-appointed by his honor the Mayor were well known to at least one member of the Committee and their resumes had been attached to the agenda. The Committee voted unanimously 7-0 to approve the re-appointments.

Re-appointment by His Honor the Mayor

#213-07 SUSAN LUNIN, 22 Shaw Street, West Newton, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire April 30, 2010 (9-7-07). [6-13-07 @ 9:23 AM]

Re-appointment by His Honor the Mayor

#214-07 ROGER MATTHEWS, 44 Concolor Avenue, Newton, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire April 30, 2010 (9-7-07). [6-13-07 @ 9:23 AM]

Re-appointment by His Honor the Mayor

#215-07 IRA WALLACH, 5 Broken Tree Road, Newton Center, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire April 30, 2010 (9-7-07). [6-13-07 @ 9:23 AM]

Re-appointment by His Honor the Mayor

#216-07 PAUL SNYDER, 9 Ardmore Road, West Newton, re-appointed as the *regular attorney* member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2010 (9-7-07). [06-29-07 @ 3:04 PM]

Re-appointment by His Honor the Mayor

#217-07 DONALD LANG, 999 Chestnut Street, Newton Upper Falls, re-appointed as an *alternate* member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2010 (9-7-07). [06-29-07 @ 3:05 PM]

Re-appointment by His Honor the Mayor

#218-07 JOSEPH DiDUCA, 78 Chapel Street, Nonantum, re-appointed as an *alternate* member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2012 (9-7-07). [6-29-07 @ 3:04 PM]

ACTION: APPROVED 7-0

Re-appointment by His Honor the Mayor

#219-07 TABETHA McCARTNEY, 41 Annawan Road, Waban, re-appointed as a member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2012 (9-7-07). [6-29-07 @ 3:04 PM]

ACTION: APPROVED 7-0

R-appointment by His Honor the Mayor

#220-07 BROOKE K. LIPSITT, 160 Boylston Street, Chestnut Hill, re-appointed as an *associate* member of the ZONING BOARD OF APPEALS for a term to expire September 30, 2008 (9-7-07). [7-3-07 @3:38 PM]

Re-appointment by His Honor the Mayor

#221-07 GORDON A. MARTIN, 31 Grant Avenue, Newton Centre, re-appointed as an *associate* member of the ZONING BOARD OF APPEALS for a term of office to expire September 1, 2008 (9-7-07). [7-3-07 @3:38 PM]

Re-appointment by His Honor the Mayor

#222-07 VINCENT FARINA, 24 Manemet Road, Newton Centre, re-appointed as an *associate* member of the ZONING BOARD OF APPEALS for a term of office to expire September 1, 2008 (9-7-07). [7-3-07 @3:38 PM]

#66-07 NEW ENGLAND DEVELOPMENT proposing to amend §30-15 by adding a new subsection entitled **Planned Business Development (PBD)** relative to the mixed use and design of large tracts of land in certain business districts and requirements to meet certain minimum criteria, including acreage and FAR, in turn for eligibility for certain density/dimensional bonuses and exceptions.[2-27-07 @5:17 PM]

(Hearing opened March 26, closed April 23; 90 days 7/22/07.)

ACTION: HELD 7-0

NOTE: The public hearing on the item was opened on March 26, continued, and closed on April 23, 2007. At the first night of the hearing, the petitioner's representatives had presented the item in its original form and several members of the Board and of the public and of the Planning staff had various concerns about issues that had not been explained fully in their view. The petitioner's representative presented a revised version of the text at the second night of the hearing to address the previously raised concerns. After April 23, the petitioners made additional revisions, including a definition for "elevation", a height restriction, a post construction traffic study requirement, and clarifications of the criteria for granting of a Special Permit for a Planned Business Development. This version was discussed by the Committee with the Law Department and Planning Department at a working session on June 8. The extensive discussion opened many new questions. It was agreed that the Planning and Law Department would now take primary responsibility for re-drafting the item though within the general parameters of the item as heard. This new version was presented to the Committee at a special meeting called to try to

complete work on the item before the full Board meeting in July. The item was put into a new format with commentary on the page by the Planning Department.

At the special meeting on July 2, the Planning Director began by presenting the basic zoning in the two districts proposed as possible site for Planned Multi-Use Business District (the name had previously been changed by the Committee to emphasize that the non-business uses were just as important). In the outline of the Business 4 and 5 Districts and their uses and densities, it became clear that the densities and uses of the PMBD were much more similar to the Business 4 Zone and it was agreed to eliminate Business 5 from consideration. Though most of the changes by the Planning Department in response to the instructions of the Committee were approved, other changes appeared to be needed before the item was sent to the floor of the full Board. Some were significant enough, that a version of the item without further changes was sure to be chartered past the three-month action deadline at the July Board meeting. The item could not pass without further work. Therefore, it was decided that the Planning Director would re-file the item with the changes prepared by Planning and Law and accepted by the Committee. Since there were significant changes in format and text though not in substance from the originally filed text, it was agreed to have the Planning Director's imprint on the item to reflect the work of the past months. The new item will be filed by the August deadline and assigned for public hearing late in September. (The early September meeting will be devoted to the Comprehensive Plan Hearing.) The Committee voted unanimously to hold the item.

Respectfully submitted,

Brian Yates, Chairman